

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

NANCY ENGLAR, et al.,

Plaintiffs,

Civil Action No.
04-CV-73977

vs.

41B DISTRICT COURT, et al.

PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

Defendants.

ORDER STAYING ENFORCEMENT OF PLAINTIFFS' SUBPOENA

On September 29, 2010, Plaintiffs served non-party Judy Jettke & Associates with a subpoena requesting "ORIGINAL AUDIO RECORDINGS OF THE DEPOSITION OF WILLIAM CANNON TAKEN 3/17/06, INCLUDING ANY RECORDING OF OFF-THE-RECORD DISCUSSIONS." Plaintiffs, who were previously provided with a transcript of the requested audio recordings and off-the-record discussions, allege that nine minutes of content is missing from the transcript.

On October 12, 2010, Defendants filed a Motion to Quash Plaintiffs' Subpoena [Doc. No. 115], claiming that: (1) Plaintiffs failed to serve Defendants with the instant subpoena, (2) the subpoena is past the date of the discovery cutoff, and (3) the discovery sought is unnecessary and harassing. Plaintiffs responded on October 20, 2010 [Doc. No. 117], arguing that: (1) Defendants received proper service of process in connection with the subpoena at issue, (2) Defendants have no standing to quash the subpoena because it was directed to a non-party, (3) the discovery is related

to “recent events” and therefore the cutoff does not apply, and (4) the discovery is not sought to harass or annoy. Defendants thereafter filed a reply [Doc. No. 118], also on October 20, 2010.

Pursuant to the discretion granted to this Court in matters of discovery, and specifically under Fed. R. Civ. P. 26(b) and 45(c)(3), enforcement of Plaintiffs’ subpoena is **STAYED** pending its ruling on Defendants’ Motion to Quash.

SO ORDERED.

S/Paul D. Borman
PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

Dated: October 26, 2010

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record by electronic means or U.S. Mail on October 26, 2010.

S/Denise Goodine
Case Manager